G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1908.
(Mungrai)

File No. 262 - 08

Serial Nos. 1, 2, 5 & 6

Papers Filed.

Month November 1909.

SUBJECT.

Appeal of Ramagiriamma re dg the inam lands belong to Anjaneyaswami temple at Mirle, Gadaroe Taluk.

PREVIOUS REFERENCES.	LATER REFERENCES
Mung 41 - 98	
" 22 - 05	

Mr Bankat Narayanappa
Recorder.

G.R.S. 11] 190 8.

GENERAL AND REVENUE SECRETARIAT.

(Nannyam)

NOTES.

File No. 26-08

FILE HEADING.

Sri Anjaneyaswamy temple at Nicde in the Yedatore Taluk

From

Namagiriamma of Nicde

No.	Dated	Received
Diary No. 421	Enclos	Spare Copies / Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the Dy. Commrs. order regarding the Archakship of the de-

NOTES AND ORDERS.

H. Secretary's order:—

Call for report with records.

Submitted with a opt-and an Encl: Appellant.

AV 29/11/09.

Dy C. 1/12/09

Issue 2/12/09

NOTES—First sheet

GPB—30,000—3-1-07.

G. R. S. 12]
General and Revenue
Secretariat.

File No. 262 of 1908

Serial No.	
2	To, The Dy Commr, Mysore Dist O M. no 930 Dy 6.2.09 Forwards 8 C I for report From, The Sane officer, Letter no 34 Dy 19.7.09 Reports on the subject Namagiriamma calling herself as the widow of the late Archak of Sri Anjaneya Swamy temple at Nirle states in her petition that godi lands bearing S no 488 measuring 5 acres - 9/11 are in the temple khata, that these lands were originally dry but owing to the extension of Chamaraja Nala, a portion is under wet cultivation & that the Counter-petitioners who are cultivators of these lands have given Muchalika in the year 1896 agreeing to pay more if wet crops are raised thereon. She prays that in accordance with this Muchalika, the cultivators should be asked to pay enhanced patta to the temple. From the previous Vernacular papers it will be seen that Hanumantha has given such a statement before the Amildar on 3.7.96, but he contends that the land was a service Inam
(Papers under F. S. no 7 Flag 5)	
Flag 5)	
Flag 9)	
Flag 8)	

NOTE—Contn. sheet.

GPB—50,000—18-5 08

G. R. S. 12]
General and Revenue Secretariat.

File No. 262 of 1908

Serial No.

grantee for supplying flowers and tulasi to Rama Devaru temple at Mirle and owing to Amildar's compulsion, he being illiterate, gave such a statement.

+Flag W) The Amildar having submitted his detailed report on 19th October 1902, the then Dy. Commr. Mr. H. K. Sparkes heard both parties and directed that as the counter-petitioner Rama's ancestors had been in the enjoyment of the lands for many years past, there was no reason to oust him from the same so long he paid 30 kolagas of ragi every year or since the land has become wet, the equivalent in rice plus the quit-rent.

Flag V)

Rama having appealed to Govt against this order, the Dy. Commr's. decision has been confirmed in G.O no. 5387 Dy 15/19th May 1906.

Flag U in Land Rec.

One Ram Bhatta of Mirle having applied to the Archakship of the temple, his petition was forwarded for report with O. M. no. 1220 Dy 4:3:09. This petition has not been received with the records. It appears to form the subject of a separate correspondence

Note—Contn. sheet.

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

File No. 26 of 190 8

Serial No.

Rama Bhatta has addressed a Reminder petition praying for the early disposal of his case. (D 273) and the villagers of Mirle have petitioned complaining that Venkataraya (father of Ramaji-amma) has not been properly conducting Puje and other services in the temple. (D. 284).

Submitted for orders. In the petition of Rama Bhatta and the villagers of Mirle in connexion with disposal of the Sub temple. These petitions ought to be given the petition file Number.

Sd/- [illegible]
31/8/09

DCs are submitted on petitions and the file is re-submitted for orders.

Sd/- Hanbridge Sub file
31/8/09

Sd/-

V.S

Under Secretary's note

Vide file 224/1908 petitions

The matters were before Sub Collector Ramiah had attended. He puts any grievance that father Venkata Rao to be heard in person of the DC Court might have also attended then.

From the Karnataka records I find that the enquiry was started under petition of Hanumanta father of Complainant Ramiah and of Rama Bhatta who claimed, and even now claims, to be Archak.

NOTE—Contn. sheet.

GPB—50,000—13-5 08

Serial No.

It was alleged by the Complainants' father that the land in Venkata Rao's possession was only the loan of the Anjaneyaswami temple and not ~~the land itself~~ Survey No 288. Venkata did not appear for enquiry though a notice was issued -

The records show that looking into the circumstances of the case the local Officers have found a favorable order is possible in the petition

The petition may be rejected

125

Submitted to Board Circle Assistant

6/9/1909

I find that the petitioner's prayer is that she should be awarded a proper rent from the wet field. The D.C.'s order was passed on 23.9.1905, and the appeal is presented in 1908 (16 Dec.)

One of the parties to the Case before the D.C. was Venkata Rao, the father of the petr apparently.

Ramabhadra's claim is introduced in the office Notes in an

Note—Contn. sheet.

GPB—50 000—13-5-08

G. R. S. 12]
General and Revenue
Secretariat.

File No. of 190

Serial No.

inconsequential manner & ~~for so~~ it is not stated what was its final result.

We may tell the pet^r that she did not appeal for a long while & so we cannot interfere. But I wish to have it cleared what power the Revn Deptt has exactly in such cases. The D.C.'s decision giving Rama a permanent right of occupancy is absurd on the face of it; but are not such questions to be left for decision by the Civil Courts?

This case has been ~~very~~ dealt with so unsatisfactorily that I have had no help from the ~~Of~~ Notes made & I think that a little more trouble in this line would be a desirable improvement.

the Under Secy: seeing that papers are working before seeing C.—

9/9/19

Put up with draft
9/9/1919

Note—Contn. sheet

GPB—50,000—13-5-08

G.R.S. 12]
General and Revenue
Secretariat.

Revenue File No. 11 of 1909

Serial No.	
	Submitted with a Dft Sndt Dated 4th Oct. 09 for Sd/- 27/9/09
1.	AV 27/9/09
6.	To, Ramagiramma of Nirle, Sendt No. 921 Dy 27-9-09. Informs her that as she did not appeal for a long while, Govt will not interfere in the matter Submitted for orders AV 27/9/09
	Re-submitted
	It was faulty on the part of the Office to have referred in this file, to Rama Bhatta's claim to the Archakship. As they were it is quite unconnected with the subject-matter of this file, I said that the petitions of Rama Bhatta and the Villagers should be sent to the Dy. Commr. for disposal, they being given a the petition file number. This has been done; and we will have nothing to do with this matter till the Local authorities dispose of it and an

NOTE.—Contn. sheet

GPB—50.000—13-5-08

Serial No.

appeal is preferred.

As regards the rights of the holders of temple Inam lands, I beg to invite reference to Govt. Order no. 4510-21 M.F. 41-98 dated 7 4. 1906 about the Suggunahalli temple in the Magadi Taluk. The entire file relating to that order has been submitted To-day separately in connection with Legislation about Inam matters. It seems to me that Suits about the rent payable by inferior holders To Superior holders are cognizable both by Revenue Courts and by Civil Courts.

x Printed copy put up.

File no. 7750 of 1908-09.

As regards the meagreness of the Office-note, I regret that I didn't go into the merits of the case fully, believing that the application would be rejected, as the matter had been once before decided by Govt. I shall now deal with the facts of the case.

On 29th May 1896, the Amildar of Yedatore having learnt that Puja in this Anjaneya temple was not properly performed, called for informa-

BPG—55,000—27-4-09

Serial No.

from the Shekdar on the following points
1) who was the Pujari?
2) what was the extent etc. of the Inam lands belonging to the temple?
The Shekdar reported that Archak Ramiah of Kodanda Rama Devam temple was worshipping, that the temple had Survey no 988 (dry) measuring 5-21 and assessed at Rs 3-8-0 but bearing a jodi of one Rupee as Inam, that one Hanumantha was cultivating it without giving any produce to the Archak Thereupon a notice was issued to the cultivator who, on 3rd July 1896, x stated before the Amildar that he was enjoying the produce supplying flower and Tulasi, that he would give 30 Kolagas of ragi and would not supply "flower and "Tulasi" and that if anybody offered more, he would pay the same The Shekdar was ordered to recover gutta accordingly. He reported that Hanumantha was putting off payment In the meantime, Archak Rama Bhatta presented a petition to the effect that the land was irrigable

x Slip 4)

Serial No.

by Chamaraja channel and fit for wet cultivation and that the gutta should be enhanced The Sheksar was directed to recover the produce according to the Muthalika or to keep the produce in amanath.

In the meantime, Hanumanthu presented a petition to the Asst Commissioner to the effect that the land was for supplying flowers to Rama Devaru temple, that for 100 years, his family had been enjoying the land supplying the flowers, that by fraud, the land was mark out in the name of Anjaneyaswamy at the Settlement and that the Amildar had by force, taken a Statement from him to the effect that he would give 30 Kolagas of paddy. He also produced 3 documents purporting to be Pattas of his father for this land. ~~His petition was~~ He also added that the Anjaneya temple owned S. no. 714 (wet) measuring a g 1-38 and assessed at Rs 15/ which was enjoyed by one Venkata Rau, son of Venkataramanachari, a

* Slip A)

* Slips B. C. D)

BPG—55,000—27-4-09

Serial No.

Archak of the temple This petition was forwarded to the Amildar for enquiry. The Villagers presented another petition stating that the Anjaneyaswamy Puja Hak belonged to Rama Devaru temple Archak, who enjoyed the wet land referred to above, that when one Ranga Rau was Amildar, Venkataramanachari became Archak and enjoyed the land, that after his death, his adopted son Venkata Rau continued to do so and that latterly he had made over the Puja to the original hakdars withdrawn, however, giving up the land They requested that the land should be restored to the temple. This petition was also forwarded to the Amildar for enquiry. Hanumantha again produced 3 more documents to show that S. No. 98 was his land for supplying flowers to Rama Devaru temple.

The Amildar in the course of the enquiry examined the Shanbhogue, Rama Bhatta, Hanumantha and his son Rama who produced 3 more documents in support of his contention

(* Slip E)

(* Slips F, G, H)

(+ Slips I, J, K)

NOTE—Contn. sheet.

BPG—55,060—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

× Slip L)
× Slip M)
(Petition)
× Slip W)
× Slip W,)
× Slip Y)

The Shanbhogue's evidence favors Hanumantha. Rama Bhatta said that his witnesses were hostile and that their examination was therefore not necessary. The Amildar submitted his report and as being asked to state definitely whether the land belonged to the Rama Devaru temple or Anjaneya temple reported that it was the Inam of the latter It was considered advisable to examine Venkata Rau who was once Archak of the Anjaneya temple about S. no. 714 Venkata Rau did not appear though later on he was present, when the Dy. Commr. passed his order to the effect that the terms of the Kuttchalika should be carried out. The Cultivator's appeal to Govt was rejected.

Though these details have not been referred to in the previous note, the important points have been referred to briefly.

The Second Councillor

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

has said that "the Dy. Commrs. decision giving Rama a permanent right of occupancy is absurd on the face of it" Though at the Inam Settlement, the land S.no. 988 has been made out to be the Inam of the Sri Anjaneyaswamy temple and though at this distance of time, this finding cannot be disturbed, it is my humble opinion that Hanumantha's contention is right It is also not improbable that Venkata Rao got the temple land made out in his Patta. No attempts have been made to find out from the old accounts whether the land S.no 714 or Maji no 11 really belongs to him or to the temple. For these reasons, I recommended in these lessons at Page 5 of this note:-

"The Records also show that looking
"into the circumstances of this com-
"plicated case, the Local officers
"have passed as favourable orders
"as possible to this temple. The
"Petition may be rejected."

BPG—57,0.0—27-4-08

Serial No.

If the Second Councillor is of opinion that the temple has been deprived of valuable wet land and that the matter should be re-opened, it seems to me that we may proceed in 3 ways:—

1) Concede Hanumantha's right of occupancy and recover full wet assessment from him, as in the Suggamakally case.

2) Deny this right and lease the lands to the best advantage of the temple.

3) Accede to his contention that the dry land was his remuneration for supplying flowers to the Kamakshi Amman temple and say that he can only retain a portion of the produce of the land now converted into wet, as remuneration, giving up the rest to the temple.

2139

204

[signature]

8/11/1909

The Petr's case is that the field is an inam one belonging to

Serial No.

the Anjaneya temple of which she is the hereditary archaka. The tenant according to her allegation holds it on a precarious use acc^g to his own attornment, and is neither a permanent nor a Kadim tenant. It is only in cases of permanent or Kadim tenancy that the Dy C^r ~~has~~ would have any jurisdiction to pass a decree enhancing or reducing the rent. I cannot think that the Rules for the restoration of alienated inams can be applied to such a case.

The only ~~Case~~ way in which such a claim can be enforced is by the representative of the temple giving a notice of enhancement of rent to the tenant & if he fails to comply, ~~to~~ or to give up the holding, to proceed to oust him by means of a regular suit.

The Pet^r may be informed that as the D.C.'s order was

NOTE—Contn. sheet.

BPG—55,000—27-4-09

Serial No.

passed more than three years before the date of her petition, Govt will not interfere with it, and that if so advised she may proceed against the tenant to recover the land, or fix an enhanced rent, by suit in the Civil Court according to law.

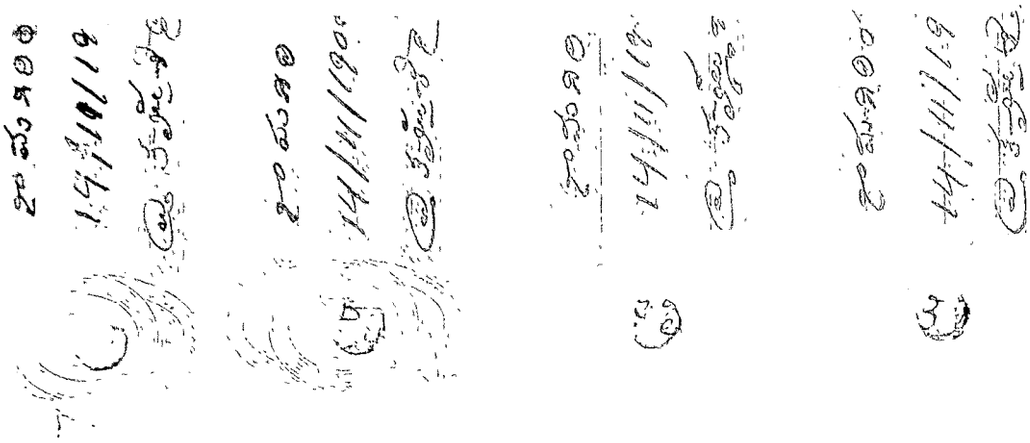
At the same time, I would not say anything to indicate that in our opinion, the opponent's case seems indubitable. When a man has deliberately made such admissions as this man has, he should at least start with a strong presumption against him.

A copy of the reply may be sent to the D.C. and the Survey Department, with a request that if the pattadar fails to take action to enforce the rights of the temple, he may consider whether it is

GPB—50.000—13-5-02

Serial No.	
	expedient to be in the Govt. Dept.
	10/11/09 Asstt. Secy. 10/11/09
	Secretary 10/11/09 10/11/09
	Secy 10/11/09
6	To - The Parties No 921 S 27. 9. 09 Intimates that Govt cannot interfere in the matter as the appeal is preferred after long time from the date of the order &c. To - The Dy Comr. No 922 S 27 9 09 Forwards copy of the above with the remark that in the event of parties failing to take action to enforce the rights of the temple by means of a regular Suit, the Dy Comr. may consider whether it is expedient to do so in the Govt Dept.

NOTE—Contn. sheet.



Papers nos 4 to 9 which were exhs.
to the petition were retd to the
Dy. Commr, Mysore Distt, for
delivery to the party.

Muz.4]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. ——

The accompanying Appeal Petition No. 421 dated 21-12-07 received at this office from Ramagiriamma of Mirle Grama, Yedatore Tk. regarding the Archakship of Sri Anjaneyaswamy temple at the place,

is forwarded, together with its two enclosures, to the Deputy Commissioner of the Mysore District for submission of the entire records connected with the case together with a detailed report thereon.

By Order.

Sd/- 21/12/07

BANGALORE, 190-

Secretary, Muzrai Department.

GPB—800—20-9-07 11/2/08

No. 931

262-08-2

Yours faithfully,

for Secretary.

Gen 16

D 173

Mem 26-7-08-5

1909-10

From
M. Kantaraj Urs Esq B.A.
Deputy Commissioner
Mysore District

To
K. S. Chendrasekhara Iyer
Esq B.A. B.L.
Secy. to Government
Revenue Branch

Dated 19 July 1909.

Despatched 20

Received

General No. 34

No.

Enclosure No 1/1

Submits report on the appeal petition of Ramagiriamma of Hirte Village in the Yedatore Taluk.

Refer
AV/a
21/7/09
W Rec 17.8.09 AV

12

No. 34
Enc. No. 16 file

OFFICE OF THE Deputy Commr.

MYSORE DISTRICT,
Dated Mysore Camp 19/20 July 1909.

To
K. S. Chendrasekhara Iyer Esq., B.A. B.L.
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.
Inamgrai Branch.

Sir,

In reply to your official memorandum No. 930 dated 3/6th February 1909 forwarding for report the appeal petition (herewith returned) from Ramagiriamma of Kirle grama regarding the gutta of the devadaya Inam land endowed to the Anjaneya devasthana temple at Kirle, I have the honor to submit herewith the entire records relating to the subject received with the Sub Divisional officer's yadast No. 25/31 dated the 30th June 1909 and to state that the facts of the case are fully dealt with in the Deputy Commissioner's order dated the 23rd December 1905 and Government endorsement No. 5387 dated 15th/19

15/19th May 1906 copies of which are filed with the records herewith submitted.

I have the honor to be
Sir,
your most obedient servant
S [signature]
for Deputy Commissioner
B.A. Mysore District

ಕೆಳಗಿನ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಿ. ಯಾವುದಾದರೂ ಐದು ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಿ. $5 \times 1 = 5$

೧. ಸಂಖ್ಯೆಗಳ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೨. ಸಂಖ್ಯೆಗಳ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$

೩. ಸಂಖ್ಯೆಗಳ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೪. ಸಂಖ್ಯೆಗಳ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೫. ಸಂಖ್ಯೆಗಳ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೬. ಸಂಖ್ಯೆಗಳ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೭. ಸಂಖ್ಯೆಗಳ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೮. ಸಂಖ್ಯೆಗಳ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೯. ಸಂಖ್ಯೆಗಳ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಸಂಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೧೦. ಸಂಖ್ಯೆಗಳ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ವ್ಯವಕಲನ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೧೧. ಸಂಖ್ಯೆಗಳ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಗುಣಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

೧೨. ಸಂಖ್ಯೆಗಳ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೧೨೪}}{\text{೨೪೬೨}}$ ಭಾಗಾಕಾರ ಮಾಡಿ. $\frac{\text{೨೪೬೨}}{\text{೧೨೪}}$

[illegible]

By order
[illegible]
for Secretary

[illegible]

Copy forwarded to the Dy Commr / Tanjore Distt, with the remark that the only way in which the claim in the present case by the representatives of the temple, giving a notice of enhancement can be enforced, is by regular suit. In the event of petnr failing to take action to enforce the right of the temple, the Dy. Commr may consider whether it is expedient to do so in the Inam. Deptt.

2) The Vern. records received with his letter no. 34 Dy 19-7-1909 are herewith returned.

By order
[illegible]

AD
15-11-09

For Secretary

No. 1294/M.7. 262-08-6 encl 1 file & 19-11-09
copy forwarded to the Dy. Commr.
Mysore Distt, with the remark that the
only way in which the claim in the
present case can be enforced, is by the
representatives of the temple giving a
notice of enhancement of rent to the
tenant and if he fails to comply, or
to give up the holding to proceed to
oust him by means of a regular suit.
In the event of petitioner's failing
to take action to enforce the rights
of the temple, the Dy. Commr may
consider whether it is expedient to
do so in the Muz. Dept.

2) The Vernacular records received
with his Letter no. 34 & 19-7-1909
are herewith returned.

By order
16/11/1909
for Secretary.

Crs. order